REMARKS/ARGUMENTS

Applicant thanks the Examiner and his Supervisor for the courtesies extended during the personal interview on August 22, 2008.

Claims 1-34 are currently pending. Claims 1, 22, and 32 have been amended in this response to further describe the pressurization of the interface member and how the interface member contacts a subject. No new matter has been added.

Claim Rejections under 35 USC § 112, second paragraph

The claims as amended satisfy the requirements of 35 USC § 112, second paragraph. As amended, claims 1, 22, and 32 states that the interface member functions while in indirect contact with the subject's body. The claims also now recite that the interface member is inflated and maintained at a substantially constant pressure when in indirect contact with the body. As described in paragraph [0027] in the published specification, the interface member may be at least one of several objects including a scale, chair, bathmat, shoe, handle, or other similar objects. An embodiment of the invention is described in paragraph [0029], as a pre-pressurized bladder in an arch area of the sole of the shoe. The bladder is inflated and held at a pressure greater than typical systolic pressure of a human body. Therefore, in this embodiment, the bladder is the interface member and is in indirect contact with subject's foot and the bladder is maintained at a substantially constant pressure. As stated further in paragraph [0029], the function of the interface member is to translate a static/pulse pressure wave from a patient's foot to a sensor module.

Because independent claims 1, 22, and 32 now satisfy 35 USC § 112, second paragraph, respective dependent claims also satisfy 35 USC § 112, second paragraph.

Claim rejections under 35 USC § 103

The claims as amended are patentable over the prior art of record. The amended claims recite an inflated interface member being maintained at a substantially constant pressure and the interface member is configured to function when in indirect contact with the subject's

body. The Goodman reference teaches a user input device formed from a "rigid plastic material and operates as a conventional computer mouse." *See* column 10, lines 25-30.

The rigid-plastic mouse-design interface member described in Goodman uses LED and photodiode pairs installed within the device. *See* column 10, lines 45-48. Goodman's interface device utilizes a plethysmography sensor (PPG) to determine variations in a patient's blood volume. PPG sensors use light transmitted through skin to register these variations. See column 8, line 60 - column 9, line 5. For Goodman's PPG sensor to function properly, it must be in direct contact with a patient's skin, so that light can pass uninhibited from the PPG sensor to the patient. *See* column 10, lines 36-45 when the interface member 20 is a mouse, and column 13, line 59 - column 14, line 6 when the interface member is an earlobe clip. Therefore, because the PPG sensor is embedded in the interface member and the PPG sensor must directly contact a patient's skin, the interface member can only function when in direct contact with a subject's body.

The present invention, in contrast to the Goodman reference, includes an interface member inflated and maintained at a substantially constant pressure and can function when in indirect contact with a subject's body. The Goodman interface member is designed to place a PPG sensor in direct contact with the patient's skin without regard to pressurization of the interface member. Therefore, the interface member of the present invention, which is maintained at a substantially constant pressure, is completely different in both design and function than the rigid plastic mouse or earlobe clip designed in Goodman. In conclusion, the claims as currently amended are patentably distinct from the invention in Goodman.

The amendments to independent claims 1, 22, and 32 have rendered moot the application of the Goodman reference to dependent claims. Furthermore, the amended method and computer program claims of 22-34 are patentably distinct from Goodman.

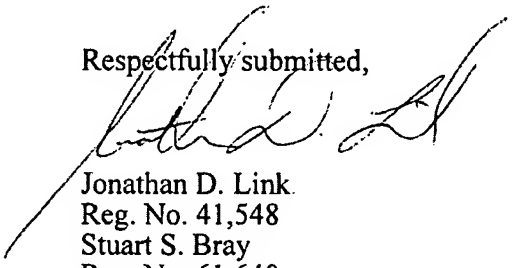
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

Respectfully submitted,



Jonathan D. Link
Reg. No. 41,548
Stuart S. Bray
Reg. No. 61,640

DATE: September 3, 2008

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 202-481-9900
Fax: 415-576-0300
Attachments
JDL:SSB:lrd
61488425 v1